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OFFICE OF PETITIONS

In re Application of
Steve A. Jacob
Application No. 10/691,713
Filed: October 22, 2003
Attorney Docket No. 200207564-1

DECISION GRANTING PETITION

This is a decision on the petition filed April 5, 2004, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed January 26, 2004.

On October 22, 2003, the application was deposited.

On January 26, 2004, the Office of Initial Patent Examination mailed the Notice stating a filing date had not been accorded the application because drawings did not accompany the original disclosure. The Notice allowed a period for response of two months from its mailing date. The instant petition was filed on April 5, 2004, along with eight sheets of drawings and a declaration. Petitioner argues that, although the drawings did not accompany the application papers, the drawings were not necessary to the understanding of the invention claimed.

It has been determined that drawings are not, in fact, necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claim 1 is a method claim. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, was entitled to the filing date of October 22, 2003.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 22, 2003. Prior to the first action on the merits, petitioner should file a preliminary amendment requesting of the drawings, if desired.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010

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Petitions Attorney
Office of Petitions